

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

**UHS-CORONA, INC. D/B/A
CORONA REGIONAL MEDICAL CENTER**

and

**UNIFIED NURSES ASSOCIATIONS OF
CALIFORNIA / UNION OF HEALTHCARE
PROFESSIONALS NUHHCE, AFCME, AFL-
CIO**

**Cases 21-CA-105489
21-CA-108200
21-CA-108208
21-CA-110919
21-CA-113577
21-CA-114681
21-CA-119450**

RESPONDENT'S MOTION FOR POSTPONEMENT OF HEARING

Pursuant to NLRB Rules and Regulations, 29 CFR §§ 102.16(b) and 102.24(a), Respondent UHS-Corona, Inc. d/b/a Corona Regional Medical Center (the "**Hospital**") respectfully moves to postpone the Hearing currently scheduled to begin on May 18, 2015. In support of this Motion, the Hospital states as follows:

1. On February 27, 2015, Regional Director Olivia Garcia filed an Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing setting the above-referenced matters for Hearing on May 18, 2015 at 1:00 p.m.

2. On Monday, May 11, 2015 (i.e., the day before the instant Motion was filed), the Centers for Medicare and Medicaid Services ("**CMS**") began an unscheduled inspection of the Hospital. The inspection is expected to last two days, but may continue through Wednesday (May 13). *The Hospital had no notice that CMS would be conducting an inspection until the inspectors arrived.*

3. On Tuesday, May 12, 2015 (i.e., the date this Motion was filed), the Joint Commission began a separate unscheduled inspection of the Hospital. The inspection is expected to last all day today (May 12), all day Wednesday (May 13), all day Thursday (May 14), and all day Friday (May 15). *Again, the Hospital had no notice that the Joint Commission would be conducting an inspection this week until the inspectors arrived.*

4. The CMS and Joint Commission investigations are entirely separate and independent from one another.

5. The purpose of these investigations is to assess the Hospital's compliance with applicable health care regulations, the standards promulgated by CMS and the Joint Commission (respectively) governing patient care standards and best practices, and the Hospital's own internal policies. In the course of these inspections, each set of inspectors will:

- (a) meet with the Hospital's officers, directors, and administrators to review the Hospital's policies and practices;
- (b) review patient records to ensure proper procedures and practices were and are being observed;
- (c) shadow actual patients through every stage of the health care process to evaluate the integration of the Hospital's related processes and the coordination and communication through the Hospital's various disciplines and departments; and
- (d) analyze employees' personnel files and directly observe *numerous* individual employees in each and every department in the Hospital to assess the employees' competency concerning medication management, infection control, and any other topics of interest to the inspectors.

6. CMS and the Joint Commission are expected to each review ***hundreds*** of patient files and personnel files and conduct a similar number of interviews during the course of their respective inspections.

6. The consequences for failing to pass the CMS and Joint Commission inspections are severe. CMS is authorized to terminate the Hospital's Medicare participation for noncompliance with the applicable regulatory requirements, the conditions of participation, or the conditions of coverage. 42 CFR Part 483, Subpart I. Similarly, the Joint Commission controls the Hospital's accreditation. If the Hospital loses its accreditation, it would likely be precluded from accepting certain funding, including Medicare and MediCal. ***In essence, the Hospital's ability to continue operating is predicated on its full cooperation with and passing both the CMS and the Joint Commission inspections.***

7. Given the extensive scope of the CMS and Joint Commission inspections and the consequences for failing to pass those inspections, virtually all of the Hospital's available resources are currently dedicated to accommodating the inspectors' demands. Every supervisor and director in every department in the Hospital is either escorting the inspectors through the Hospital, working as scribes for the inspectors, or remediating issues identified by the inspectors. The Hospital's officers, directors, administrators and other staff are in the Hospital's "command center," developing a strategy for responding to the inspectors' demands, coordinating the Hospital's resources, and pulling/organizing patient records, personnel records, employment policies and other documents requested by the inspectors. Even when the inspectors leave each day at 5:00 p.m., management continues to work ***for hours*** to debrief regarding the inspectors' activities of the day, to continue to address issues raised by the inspectors, to plan for the next day's inspections, and to catch up on their normal duties that could not be performed during the

day. Indeed, the Hospital had to call in personnel from its sister hospitals in Temecula and Murrieta just to ensure it is able to care for patients while the inspections are ongoing.

8. Because of unexpected inspections by CMS and the Joint Commission, the Hospital has no available resources to dedicate to gathering the documents necessary to respond to the *subpoena duces tecum* issued by the National Labor Relations Board's General Counsel on May 4, 2015. Furthermore, the vast majority of the Hospital's witnesses are unavailable to meet with the Hospital's counsel to prepare to testify at the Hearing.

9. Accordingly, the Hospital respectfully requests a postponement and rescheduling of the Hearing to allow the Hospital sufficient time to gather the documents requested by the *subpoena* and to adequately prepare its witnesses to testify at the Hearing.

10. In addition, granting the requested postponement would give the Parties an opportunity to further explore settlement. The undersigned has contacted Counsel for the Charging Party to initiate settlement discussions and is optimistic that such discussions will prove fruitful.

11. The undersigned counsel has spoken with both Jean Libby (Trial Counsel for the National Labor Relations Board) and Jason Wojciechowski (Counsel for the Charging Party). Both indicated that they needed to confer with their respective superiors before consenting to the proposed postponement.

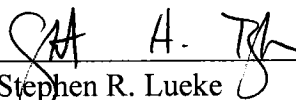
12. The Hospital proposes the following alternative hearing dates:

- June 29 – July 2, 2015
- July 6-10, 2015
- July 20-24, 2015

However, the Hospital will gratefully accept *any postponement* consistent with the Division of Judges' trial calendar.

WHEREFORE, Respondent UHS-Corona, Inc. d/b/a Corona Regional Medical Center respectfully requests that the Hearing in the above-captioned matters be continued from May 18, 2015 to a date mutually-agreeable to the Parties.

Dated this 12th day of May, 2015

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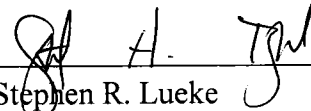
Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on May 12, 2015, he served the foregoing **RESPONDENT'S MOTION FOR POSTPONEMENT OF HEARING**, via e-service, U.S. mail, and electronic mail to the following:

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